

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Brian Neu,

Civil No. 06-601 (DWF/JSM)

Plaintiff,

v.

**ORDER**

County of Benton, Susan Johnson,  
Benton County Jail Administrator, and  
James McMahon, and Benton County Sheriff,

Defendants.

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Michael K; O'Tool, Esq., O'Tool Law Office, counsel for Plaintiff.

Kenneth H. Bayliss, III, Esq., and Dyan J. Ebert, Esq., Quinlivan & Hughes, PA, counsel  
for Defendants.

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The above-entitled matter comes before the Court upon the Report and  
Recommendation of United States Magistrate Judge Janie S. Mayeron dated July 27,  
2007. No objections have been filed to that Report and Recommendation in the time  
period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of  
the files, records and proceedings herein,

**IT IS HEREBY ORDERED:**

1. Defendants' motion for summary judgment (Doc. No. 8) is **GRANTED**.

2. Plaintiff's claims brought under 42 U.S.C. § 1983 are **DISMISSED WITH PREJUDICE**.

3. Plaintiff's state law claims brought under the supplemental jurisdiction statute, 28 U.S.C. § 1367(a), are **DISMISSED WITHOUT PREJUDICE**.

Dated: August 23, 2007

s/Donovan W. Frank  
DONOVAN W. FRANK  
Judge of United States District Court